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The situation in the occupied territories of Azerbaijan

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the reaction of the international community to the so-called "constitutional referendum" held on 10 December 2006 in the occupied Nagorny-Karabakh region of the Republic of Azerbaijan (see annexes I-V).

Such respected organizations as the Organization for Security and Cooperation in Europe (OSCE), Council of Europe and the European Union specifically underlined that the "referendum" would not be recognized and could not have any legal validity.

The OSCE Minsk Group Co-Chairs emphasized that no member of the international community — including the Co-Chair countries — recognized the so-called "Nagorno-Karabakh Republic" as an independent state.

The Ministry of Foreign Affairs of Latvia considered the "constitutional referendum" illegitimate and did not recognize its results.

I should be grateful if the present letter and its annexes were distributed as a document of the sixty-first session of the General Assembly, under agenda items 17 and 27, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Annex I to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Organization for Security and Cooperation in Europe

Press release

OSCE Chairman concerned over constitutional referendum in Nagorno-Karabakh

BRUSSELS, 11 December 2006 - The OSCE Chairman-in-Office, Belgian Foreign Minister Karel De Gucht, said today that the OSCE will not recognize the referendum on a draft constitution held in Nagorno-Karabakh on Sunday.

"Such a referendum is counter-productive to the ongoing conflict settlement process, which has recently shown visible progress, as acknowledged by the parties," said Minister De Gucht.

Referring to a statement on Nagorno-Karabakh made at last week's 14th OSCE Ministerial Council in Brussels, he said: "We do not welcome a move that could jeopardize progress made at this promising juncture."

He also referred to today's statement by the Co-Chairs of the OSCE Minsk Group, saying: "A reason not to recognize this referendum is that no member of the international community recognizes the so-called Nagorno-Karabach republic as an independent state."

The OSCE Minsk Group is co-chaired by France, Russia and the United States.

Annex II to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Press release — 771 (2006)

Council of Europe Secretary General Terry Davis on the voting in Nagorno-Karabakh

Strasbourg, 09.12.2006: This Sunday's vote organised by the 'de facto' authorities of Nagorno-Karabakh cannot have any legal validity. It will not be recognised by the international community and is therefore of no consequence.

A lasting solution for Nagorno-Karabakh can only come out of the political process facilitated by the Minsk Group. Any future solution must respect human rights, and if it is submitted to popular consultation, the vote must be free and fair and open to everyone.

The main responsibility for the settlement is with the political leadership of Armenia and Azerbaijan and especially President Kocharian and President Aliyev. This is one of the accession commitments of both Armenia and Azerbaijan to the Council of Europe.

Annex III to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Declaration by the Presidency on behalf of the European Union on the "constitutional referendum" in Nagorno Karabakh on 10 December 2006

Press release 521/2006
11 December, 2006

The European Union is aware that a "constitutional referendum" has taken place in Nagorno Karabakh on 10 December 2006. The EU recalls that it does not recognize the independence of Nagorno Karabakh. It recognizes neither the "referendum" nor its outcome.

The EU reiterates its firm support to the OSCE Minsk Group and its Co-Chairmen, and their efforts towards a settlement of the Nagorno Karabakh conflict. The EU considers that conducting such a "referendum", thus pre-empting the outcome of the ongoing negotiations, did not contribute to constructive efforts at peaceful conflict resolution. It calls on all parties to the conflict to intensify their efforts to find a negotiated solution to the conflict.

The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey, Croatia* and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this declaration.

* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.

Annex IV to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Statement of the Minsk Group Co-Chairs on the December 10 referendum in Nagorno-Karabakh

The OSCE Minsk Group Co-Chairs took note that the authorities of Nagorno-Karabakh held a referendum on December 10 on a draft "constitution" of the so-called "Nagorno-Karabakh Republic," which no member of the international community – including the Co-Chair countries – recognizes as an independent state. The Co-Chairs do not believe that such a referendum will contribute to a negotiated settlement of the Nagorno-Karabakh conflict. Any future legal status of Nagorno-Karabakh should be determined without the threat or use of force and only as the result of political negotiations between all parties in the framework of the Minsk Process. Conducting such a referendum now, thus preempting the final legal status of Nagorno-Karabakh, rather than forging a compromise is particularly unhelpful at a moment when the OSCE Minsk Group-mediated negotiations between Armenia and Azerbaijan appear to be on a constructive path. The Co-Chairs expect that the results of this referendum, which are not internationally recognized, will have no negative effect on emerging prospects for an agreement between the sides on basic principles for the settlement of the conflict.

Annex V to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Original: Russian]

The Ministry of Foreign Affairs does not recognize the results of the so-called "constitutional referendum" held in Nagorny Karabakh

The Ministry considers that the "referendum" on the draft constitution held on 10 December 2006 in Nagorny Karabakh has no legitimacy and runs counter to the rules of international law. Latvia does not recognize the results of this "constitutional referendum".

The Ministry once again affirms its support for efforts by the Organization for Security and Cooperation in Europe (OSCE) and the Minsk Group and stresses the need to find ways of reaching a peaceful settlement of the conflict in Nagorny Karabakh. The Ministry is of the view that the conflict in Nagorny Karabakh can only be settled on the basis of the universally accepted rules and principles of international law, including the sovereignty of States and territorial integrity.

Latvia points out that the organization of this "referendum" is not conducive to finding a peaceful settlement of the conflict in Nagorny Karabakh.

11 December 2006